

Topic 4: Identifying the Target Population for Deriving HHC

EPA’s Decision: In its February 2015 decision, EPA concluded that when analyzing how the WQS program applies to the sustenance fishing designated use in the waters of Indian lands in Maine, the tribal population must be considered to be the “target population” for the purpose of determining whether the state’s HHC are adequate to protect the tribes’ health, including determining the appropriate fish consumption rate (FCR) applicable in those waters and weighing the risk level to which tribal members should be exposed.

EPA then evaluated whether Maine’s HHC, as applied to the tribal waters, were calculated using an exposure factor (FCR) reflective of the target population’s sustenance fishing level of consumption, and disapproved most of the HHC because they were based on a FCR that did not represent the tribal target population. In its promulgation, EPA used a FCR reflective of the tribes’ sustenance fishing consumption level, as well as a 10^{-6} cancer risk level (CRL) consistent with Maine law, which specifies that a 1×10^{-6} CRL must be used when determining HHC for carcinogens.¹

Maine’s First Argument:

Ex.5 AWP / DPP / ACP

Ex.5 AWP / DPP / ACP

Ex.5 AWP / DPP / ACP

EPA's Response:

Ex.5 AWP / DPP / ACP

Ex.5 AWP / DPP / ACP

Maine's Second Argument:

Ex.5 AWP / DPP / ACP

Ex.5 AWP / DPP / ACP

EPA's Response:

Ex.5 AWP / DPP / ACP

Ex.5 AWP / DPP / ACP

Ex.5 AWP / DPP / ACP

Ex.5 AWP / DPP / ACP